

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SAMUEL UNTERBERG, :
 :
 Plaintiff : CIVIL ACTION NO. 3:20-410
 :
 v. : (JUDGE MANNION)
 :
 JUSTIN MAGLUILO, *et al.*, :
 :
 Defendants :

ORDER

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) PSP defendants' partial motion to dismiss, **(Doc. 7)**, is **DENIED** with respect to plaintiff's constitutional claims under §1983 in Counts One and Two of his complaint, **(Doc. 1)**. PSP defendants are directed to file their answer to Counts One, Two and Three of plaintiff's complaint within **14 days** of the date of this Order;
- (2) Defendant Syracuse's amended motion to dismiss, **(Doc. 23)**, Count Three is **GRANTED** to the extent that this Count is raised against him. Syracuse's amended motion to

dismiss, **(Doc. 23)**, is **DENIED** with respect to plaintiff's claims against him in Counts One and Two. Syracuse is directed to file his answer to Counts One and Two of plaintiff's complaint within **14 days** of the date of this Order; and

- (3)** Defendant Syracuse's original motion to dismiss, **(Doc. 22)**, is **DISMISSED AS MOOT**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: March 24, 2021

20-410-01-ORDER